

ORDINANCE NO. 10-12

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING AN EASEMENT OF A TOTAL AREA OF 324 SQUARE FEET, HAVING DIMENSIONS OF 18 FEET IN WIDTH AND 18 FEET IN LENGTH, TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE PUMP STATION NO. 6, IN SUBSTANTIALLY THE FORM AS ATTACHED AS EXHIBIT "1". **PROPERTY LOCATED INSIDE BABCOCK PARK, 651 EAST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 13, 2010 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants an easement consisting of a total area of 324 square feet, having dimensions of 18 feet in length and 18 feet in width, to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve Pump Station No. 6 located within Babcock Park, in substantially the form as attached as Exhibit "1". The property is located inside Babcock Park, 651 East 4 Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A PORTION OF THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LYING AND BEING IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL, THENCE NORTH $00^{\circ}03'19''$ WEST ALONG THE EAST LINE OF THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 53 SOUTH, RANGE 41 EAST, FOR A DISTANCE OF 405.50 FEET; THENCE NORTH $89^{\circ}39'06''$ WEST, FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH $89^{\circ}39'06''$ WEST, FOR A DISTANCE OF 18.00 FEET; THENCE NORTH $00^{\circ}03'19''$ WEST ALONG A LINE LYING 48.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 18 FEET; THENCE SOUTH $89^{\circ}39'06''$ EAST FOR A DISTANCE OF 18.00 FEET; THENCE SOUTH $00^{\circ}03'19''$ EAST ALONG A LINE LYING 30.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE (SAID LINE BEING COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF EAST 6 AVENUE) FOR A DISTANCE OF 18.00 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

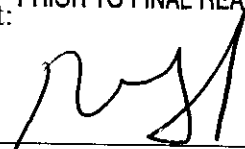
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9th day of February, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

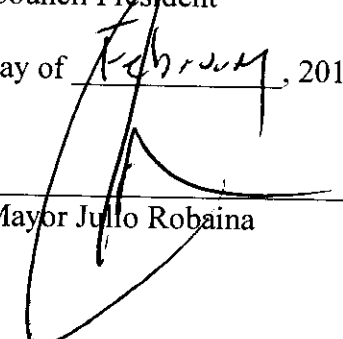


Rafael E. Granado, City Clerk

Approved on this 11 day of February, 2010.



Carlos Hernandez
Council President



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

S:\WMG\LEGISLATION\Ordinance 2009\FPLEasementbabcockpark.docx

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

Work Order No. _____

EASEMENT

This Instrument Prepared By

Sec. 17, Twp 53 S, Rge 41 E

Name: William M. Grodnick, Esq.

Parcel I.D. # 04-3117-000-0060

Co. Name: City of Hialeah

(Maintained by County Appraiser)

Address: 501 Palm Avenue, 4th Floor

Hialeah, FL 33010-4789



CFN 2010R0108165

OR Bk 27185 Pgs 4052 - 40567 (5pgs)

RECORDED 02/17/2010 16:07:44

HARVEY RUVIN, CLERK OF COURT

MIAMI-DADE COUNTY, FLORIDA

wmg
The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~underground~~ *wmg* underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 18 feet in width (the approximate location of which is shown in the sketch on Page 2 of this instrument) located within the following described property:

Reserved for Circuit Court

See attached legal description (Exhibit "A")

wmg
Together with the right to permit any other person, firm or corporation to attach *underground wmg* wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 19____.

Signed, sealed and delivered in the presence of:

ATTEST

Rafael E. Granado
Rafael E. Granado, City Clerk

By: *X*

(Grantor's signature)

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

By: _____

(Grantor's signature)

Print Name: _____

Print Address: _____

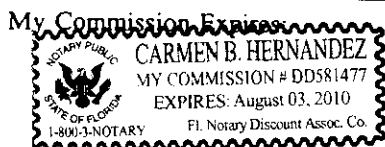
X *Rafael E. Granado*
(Witness Signature)

Print Name Rafael E. Granado
(Witness)

X *Ana D. Fuentes*
(Witness Signature)

Print Name Ana D. Fuentes
(Witness)

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 12 day of February, 2010, by Julio Robaina, and Rafael E. Granado, who is(are) personally known to me or has(have) produced as identification, and who did (did not) take an oath.

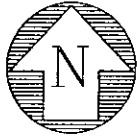


(Type of Identification)

Carmen B. Hernandez
Notary Public, Signature

Print Name Carmen B. Hernandez

Form 3723-A (Stocked) Rev. 7/94 *5*



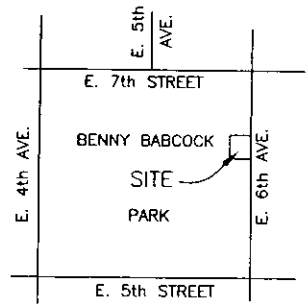
CITY OF HIALEAH, FLORIDA
PUMP STATION NO. 6
FLORIDA POWER & LIGHT
UTILITY EASEMENT

LAND DESCRIPTION
CITY OF HIALEAH
FLORIDA POWER & LIGHT
UTILITY EASEMENT

A portion of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 17, Township 53 South, Range 41 East lying in the city of Hialeah, Miami-Dade County, Florida more particularly described as follows:

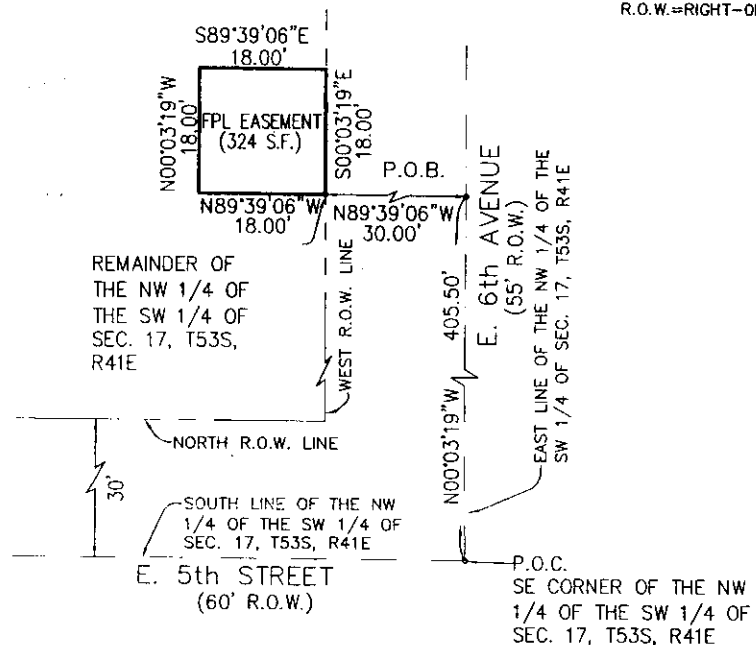
COMMENCE at the southeast corner of said parcel, thence North 00°03'19" West along the East line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 17, Township 53 South, Range 41 East for a distance of 405.50 feet; thence North 89°39'06" West a distance of 30.00 feet to the POINT OF BEGINNING; thence continue North 89°39'06" West a distance of 18.00 feet; thence North 00°03'19" West along a line lying 48.00 feet west of and parallel with said East line a distance of 18.00 feet; thence South 89°39'06" East a distance of 18.00 feet; thence South 00°03'19" East along a line lying 30.00 feet west of and parallel with said East line (said line being coincident with the West Right-Of-Way line of East 6th Avenue) a distance of 18.00 to the POINT OF BEGINNING.

All of said lands lying and being in the city of Hialeah, Miami-Dade County Florida containing 324 square feet more or less.



LOCATION MAP NTS

ABBREVIATION LEGEND:
P.O.B.=POINT OF BEGINNING
P.O.C.=POINT OF COMMENCEMENT
R.O.W.=RIGHT-OF-WAY



SURVEY NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, OWNERSHIP OR RIGHTS-OF-WAY OF RECORD.
3. DATA SHOWN HEREON IS BASED ON A SURVEY OF BENNY BABCOCK PARK, ORDER NO. 48978, DATED 2/10/2000.
4. BEARING BASIS: THE SOUTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SEC. 17, T53S, R41E BEARS S89°39'06"E

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THIS "SKETCH OF SURVEY" OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION. THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 60G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO 472.027, FLORIDA STATUTES.

Signed: _____

DAVID G. KRAUSE
PROFESSIONAL SURVEYOR & MAPPER NO. 4066
STATE OF FLORIDA

DATE	REVISIONS

BNB SERVICES, INC.
LAND SURVEYING
11550 N.W. 21st Street
Plantation, Florida
(954) 472-1031

SCALE	1" = 20'
DATE	5/30/09
DRAWN BY:	dk
F.B.	
FOR:	HAZEN AND SAWYER
JOB NO.	09-006.FPL.1

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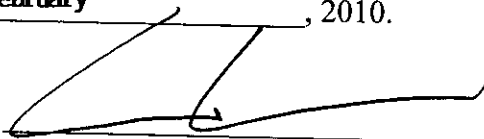
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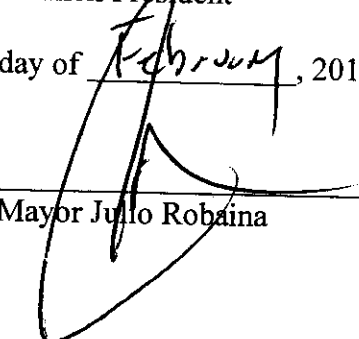
PASSED and ADOPTED this 9th day of February, 2010.


Carlos Hernandez
Council President


Attest:


Rafael E. Granado, City Clerk

Approved on this 11 day of February, 2010.


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".